

## REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Appreciation is expressed to Examiner West for the indication that Claims 6 and 8 would be allowable if rewritten in independent form. Submitted with this Amendment are new Claims 11 and 12. Claim 11 sets forth the subject matter previously recited in Claims 1 and 6, and new Claim 12 recites the subject matter previously set forth in Claims 7 and 8. It is thus respectfully submitted that independent Claims 11 and 12 are allowable.

The Official Action sets forth a rejection of independent Claim 7, and various dependent claims, based on the disclosure in U.S. Patent No. 6,794,885 to *Yasumoto*, and also sets forth a rejection of independent Claim 1, and various dependent claims, based on the disclosure in *Yasumoto* in view of the disclosure in U.S. Patent No. 4,243,932 to *Kakumoto et al.*

It is understood that the rejections involving the disclosure in *Yasumoto* are based on the observation that *Yasumoto* discloses electrodes 5, 5 positioned at opposite ends of a hermetically sealed package 3 having sealed end portions 3a. However, in *Yasumoto*, the electrodes 5, 5 are not adapted to be positioned across from or opposed to one another so that the sealed portion is positioned between the pair of electrodes as set forth in Claim 1, and are not positioned at opposite sides of the sealed portion as recited in Claim 7. Rather, the electrodes 5, 5 are positioned at opposite ends of the package. The reason for that arrangement is that *Yasumoto* is concerned with inspecting for pinholes in packages containing an electrically conductive powder, fluid, or food.

In addition, in the device and method at issue here, the opposed electrodes that are positioned, or adapted to be positioned, on opposite sides of the sealed area are oppositely charged. In *Yasumoto*, the electrodes provided with opposite charges are the electrode 5 and the support electrode 4 as shown in Fig. 1(A). Stated differently, the electrodes 5, 5 that are positioned opposite one another are not oppositely charged. Independent Claims 1 and 7 have been amended to more clearly set forth this additional distinguishing aspect. It is respectfully submitted that independent Claims 1 and 7 are thus patentably distinguishable over the disclosure in *Yasumoto*, considered alone or in combination with the disclosure in *Kakumoto et al.*

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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